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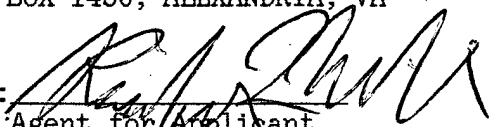


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

2 Applicant: Robert J. Noiseux
3 Series Code/Serial No.: 10/705478 Filed: 2003-11-10
4 Group Art Unit: P.C. Paper No.: 2
5 Invention: BOTTLED WATER SOURCE TO SOFT DRINK DISPENSER MACHINE
6 Examiner: Agent's Doc. No.: NOIR44B

7 As article No.: EL586862321US EXPRESS MAIL I hereby certify, that on the
8 below indicated date, this correspondence is being deposited with the
9 United States Postal Service with sufficient postage in an envelope
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11 22313-1450.

12 MS Patent Application
13 Commissioner for Patents
14 P.O. BOX 1450
15 ALEXANDRIA, VA 22313-1450

BY: 
Agent for Applicant

Date: March 08, 2004

16 PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102 AND MPEP 708.02(VIII)

17 Petitioner hereby petitions that the above-identified patent
18 application be made special, accordingly attached herewith is agent's
19 check number 7095pra drawn on Chemical Bank, in the amount of \$130.00 to
20 cover the required petition fee, as required by MPEP 708.02(VIII)(A), and
21 set forth in 37 CFR 1.17(h).

22 The above-identified patent application contains claims 1-7 directed
23 to a single invention of a(n) BOTTLED WATER SOURCE TO SOFT DRINK DISPENSER
24 MACHINE, as required by MPEP 708.02(VIII)(B).

25 A pre-examination search was made by a professional searcher. The
26 field of search, as required by MPEP 708.02(VIII)(C), is accordingly
27 submitted here with and is appropriately indicated in the following table:

03/11/2004 WABDELRI 00000035 10705478

01 FC:1460

130.00 OP

Paper No.: 2
S.N.: 10/705478
Agt. Doc. No.: NOIR44B

<u>CLASS</u>	<u>ASSOCIATED SUBCLASS</u>
099	323.2
141	001, 198
210	100, 741
222	001, 063, 399

Except for references which were already submitted with the application and are accordingly marked with an "*" asterisk, one copy of each of the references deemed most closely related to the subject matter encompassed by the claims are submitted herewith, as required by MPEP 708.02(VIII)(D), along with a supplemental INFORMATION DISCLOSURE CITATION Form PTO-1449 listing all of these said references.

A detailed discussion of the references, which discussion points out, with the particularly required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is distinguishable over the references follows, as required by MPEP 708.02(VIII)(E).

The present invention teaches a water dispensing apparatus for providing an auxiliary supply of water to a consumer when a city water source becomes unacceptable. Valve means connect, alternatively, one of a city water supply line and an auxiliary water supply line to a consumer water supply line. A water accumulator is connected to the auxiliary water supply line to supply water thereto; an auxiliary water supply reservoir is connected to the water accumulator; an electric pump is connected between the auxiliary water supply reservoir and the water accumulator for pumping water from the auxiliary water supply to the water accumulator; and, means are provided for sensing a water pressure output from the water accumulator and for electrically connecting the electric pump to a power source in response to the pressure detected

1 falling below a predetermined value. When water the city water supply
2 line becomes unacceptable, the valve means can be operated to disconnect
3 the city water supply line from the consumer water line and to connect
4 the auxiliary water supply line to the consumer water line so that water
5 is supplied thereto from the water accumulator and when the water
6 pressure output from the water accumulator falls below a predetermined
7 value, the pressure switch operates to connect the electric pump to a
8 power source to pump water from the auxiliary water supply reservoir to
9 replenish the water accumulator.

10 Preferably, a check valve is inserted in the auxiliary water
11 supply line downstream of the electric pump and upstream of the pressure
12 switch.

13 Switching means for detecting a level of water in the auxiliary
14 water supply reservoir is electrically connected in series with the
15 electric pump so that when the level of water in the auxiliary water
16 supply reservoir falls below a predetermined value, the switching means
17 cuts off electrical power to the electric pump to prevent water being
18 pumped from the auxiliary water supply reservoir to the water
19 accumulator.

20 U.S. Patent No. 3,653,413 to Sheya teaches the pump apparatus is
21 an economic and trouble-free apparatus for pumping drinking water from a
22 source bottle positioned on the floor, where it is delivered, to an
23 elevated vessel from which it can gravitationally flow. The apparatus
24 comprises a centrifugal or other non-self priming pump which can be set
25 directly on the mouth of the source bottle on the floor. A pump suction
26 pipe extends into the source bottle. An elastomeric spheroidal squeeze
27 bulb is serially connected to the pump, directly in its output line.
28 Check valves are positioned on opposite sides of the squeeze bulb, with
29 the suction check valve preferably on the input side of the pump.
30 Manual squeezing of the bulb primes the pump. A flexible hose from the
31 squeeze bulb discharges the water to the elevated bottle.

1 Since the elevated vessel has a filling opening in the top and a
2 discharge opening in the bottom, means are provided to close the bottom
3 opening during filling to prevent the water from running directly out.
4 This is alternatively accomplished by means of a float valve or by means
5 of a manually operated valve which is closed during the filling
6 operation.

7 In contradistinction, however, the present invention teaches a
8 water dispensing apparatus for providing an auxiliary supply of water to
9 a consumer when a city water source becomes unacceptable. Valve means
10 connect, alternatively, one of a city water supply line and an auxiliary
11 water supply line to a consumer water supply line. A water accumulator
12 is connected to the auxiliary water supply line to supply water thereto;
13 an auxiliary water supply reservoir is connected to the water
14 accumulator; an electric pump is connected between the auxiliary water
15 supply reservoir and the water accumulator for pumping water from the
16 auxiliary water supply to the water accumulator; and, means are provided
17 for sensing a water pressure output from the water accumulator and for
18 electrically connecting the electric pump to a power source in response
19 to the pressure detected falling below a predetermined value. When
20 water the city water supply line becomes unacceptable, the valve means
21 can be operated to disconnect the city water supply line from the
22 consumer water line and to connect the auxiliary water supply line to
23 the consumer water line so that water is supplied thereto from the water
24 accumulator and when the water pressure output from the water
25 accumulator falls below a predetermined value, the pressure switch
26 operates to connect the electric pump to a power source to pump water
27 from the auxiliary water supply reservoir to replenish the water
28 accumulator.

29 Preferably, a check valve is inserted in the auxiliary water
30 supply line downstream of the electric pump and upstream of the pressure
31 switch.

1 Switching means for detecting a level of water in the auxiliary
2 water supply reservoir is electrically connected in series with the
3 electric pump so that when the level of water in the auxiliary water
4 supply reservoir falls below a predetermined value, the switching means
5 cuts off electrical power to the electric pump to prevent water being
6 pumped from the auxiliary water supply reservoir to the water
7 accumulator.

8 U.S. Patent No. 4,456,149 to Sciortino teaches the invention
9 relates to portable apparatuses for dispensing purified water from
10 conventional five gallon water bottles directly into a spigot mounted on
11 a sink or an ice maker of a refrigerator. The bottle of water does not
12 have to be mounted on any known support or cabinet, but can remain in
13 its upright position. The water is pumped directly from the bottle
14 through a flexible tube upon drop in pressure in the transport line. A
15 sensing mechanism detects this drop in pressure when the spigot is open
16 and activates a motor which drives the pump. Second pressure switch de-
17 activates the pump when the water runs out of the bottle to prevent
18 overheating of the motor. The pump then has to be manually reset. A
19 time release is provided when it is desired to connect the bottle to an
20 ice maker, so that the pump continuously operates for several minutes to
21 fill in the ice maker and then automatically stops.

22 In contradistinction, however, the present invention teaches a
23 water dispensing apparatus for providing an auxiliary supply of water to
24 a consumer when a city water source becomes unacceptable. Valve means
25 connect, alternatively, one of a city water supply line and an auxiliary
26 water supply line to a consumer water supply line. A water accumulator
27 is connected to the auxiliary water supply line to supply water thereto;
28 an auxiliary water supply reservoir is connected to the water
29 accumulator; an electric pump is connected between the auxiliary water
30 supply reservoir and the water accumulator for pumping water from the
31 auxiliary water supply to the water accumulator; and, means are provided

1 for sensing a water pressure output from the water accumulator and for
2 electrically connecting the electric pump to a power source in response
3 to the pressure detected falling below a predetermined value. When
4 water the city water supply line becomes unacceptable, the valve means
5 can be operated to disconnect the city water supply line from the
6 consumer water line and to connect the auxiliary water supply line to
7 the consumer water line so that water is supplied thereto from the water
8 accumulator and when the water pressure output from the water
9 accumulator falls below a predetermined value, the pressure switch
10 operates to connect the electric pump to a power source to pump water
11 from the auxiliary water supply reservoir to replenish the water
12 accumulator.

13 Preferably, a check valve is inserted in the auxiliary water
14 supply line downstream of the electric pump and upstream of the pressure
15 switch.

16 Switching means for detecting a level of water in the auxiliary
17 water supply reservoir is electrically connected in series with the
18 electric pump so that when the level of water in the auxiliary water
19 supply reservoir falls below a predetermined value, the switching means
20 cuts off electrical power to the electric pump to prevent water being
21 pumped from the auxiliary water supply reservoir to the water
22 accumulator.

23 U.S. Patent No. 4,844,796 to Plester teaches a water treatment
24 apparatus for use in a post-mix beverage dispenser enables purification
25 of water, removal of water hardness and sterilization of water which is
26 normally accomplished by a precipitation/flocculation process used in a
27 bottling plant. This apparatus can treat the water for beverage
28 dispensing purposes and will not require high capital expenditures. The
29 apparatus includes a removable, disposable cartridge having a reactor or
30 first section filled with sand, carbon granules or other heat-conducting
31 material for removing the bicarbonate content and other impurities from

1 the water and a filter or second section having a filter and activated
2 carbon screen for removing solids, traces of chlorine and dissolved
3 organic material from the water. The apparatus also includes heat
4 exchanger coils and a heating element for raising the temperature of the
5 water as well as a holding tank having a gas trap for collecting and
6 removing carbon dioxide and chlorine gas. Various arrangements may also
7 be used in the apparatus to lower the temperature of the water after it
8 has been raised and before it reaches a downstream dispensing portion.
9 An ion-exchange resin may also be included in the second section of the
10 cartridge of the apparatus in order to remove nitrates, sulfates and
11 sodium ions from the water.

12 In contradistinction, however, the present invention teaches a
13 water dispensing apparatus for providing an auxiliary supply of water to
14 a consumer when a city water source becomes unacceptable. Valve means
15 connect, alternatively, one of a city water supply line and an auxiliary
16 water supply line to a consumer water supply line. A water accumulator
17 is connected to the auxiliary water supply line to supply water thereto;
18 an auxiliary water supply reservoir is connected to the water
19 accumulator; an electric pump is connected between the auxiliary water
20 supply reservoir and the water accumulator for pumping water from the
21 auxiliary water supply to the water accumulator; and, means are provided
22 for sensing a water pressure output from the water accumulator and for
23 electrically connecting the electric pump to a power source in response
24 to the pressure detected falling below a predetermined value. When
25 water the city water supply line becomes unacceptable, the valve means
26 can be operated to disconnect the city water supply line from the
27 consumer water line and to connect the auxiliary water supply line to
28 the consumer water line so that water is supplied thereto from the water
29 accumulator and when the water pressure output from the water
30 accumulator falls below a predetermined value, the pressure switch
31 operates to connect the electric pump to a power source to pump water

1 from the auxiliary water supply reservoir to replenish the water
2 accumulator.

3 Preferably, a check valve is inserted in the auxiliary water
4 supply line downstream of the electric pump and upstream of the pressure
5 switch.

6 Switching means for detecting a level of water in the auxiliary
7 water supply reservoir is electrically connected in series with the
8 electric pump so that when the level of water in the auxiliary water
9 supply reservoir falls below a predetermined value, the switching means
10 cuts off electrical power to the electric pump to prevent water being
11 pumped from the auxiliary water supply reservoir to the water
12 accumulator.

13 U.S. Patent No. 4,946,599 to Craig teaches apparatus and methods
14 for converting a bottled water dispenser for use with a continuous
15 source of water are disclosed. In a preferred embodiment, means for
16 reducing the pressure and filtering the continuous source of water are
17 provided. In a most preferred embodiment, the apparatus is configured
18 to substantially reside within the existing dispenser apparatus, thus
19 eliminating the need for bottled water. A housing is provided which
20 contains a filter in an upper portion thereof, the lower portion shaped
21 to conform to an existing tank within the bottled water dispenser in
22 order to provide good thermal communication between the apparatus of the
23 present invention and the existing refrigeration means. Chilled water
24 is retained in the lower portion of the housing and is filtered upon
25 demand, thus providing freshly filtered water to the user at a pressure
26 and velocity substantially the same as that produced using a bottled
27 source, without the contaminants expense and inconvenience associated
28 with bottled water. Also provided are methods and apparatus for
29 converting bottled water dispensers having means for dispensing heated
30 water for use with a continuous source of water.

1 In contradistinction, however, the present invention teaches a
2 water dispensing apparatus for providing an auxiliary supply of water to
3 a consumer when a city water source becomes unacceptable. Valve means
4 connect, alternatively, one of a city water supply line and an auxiliary
5 water supply line to a consumer water supply line. A water accumulator
6 is connected to the auxiliary water supply line to supply water thereto;
7 an auxiliary water supply reservoir is connected to the water
8 accumulator; an electric pump is connected between the auxiliary water
9 supply reservoir and the water accumulator for pumping water from the
10 auxiliary water supply to the water accumulator; and, means are provided
11 for sensing a water pressure output from the water accumulator and for
12 electrically connecting the electric pump to a power source in response
13 to the pressure detected falling below a predetermined value. When
14 water the city water supply line becomes unacceptable, the valve means
15 can be operated to disconnect the city water supply line from the
16 consumer water line and to connect the auxiliary water supply line to
17 the consumer water line so that water is supplied thereto from the water
18 accumulator and when the water pressure output from the water
19 accumulator falls below a predetermined value, the pressure switch
20 operates to connect the electric pump to a power source to pump water
21 from the auxiliary water supply reservoir to replenish the water
22 accumulator.

23 Preferably, a check valve is inserted in the auxiliary water
24 supply line downstream of the electric pump and upstream of the pressure
25 switch.

26 Switching means for detecting a level of water in the auxiliary
27 water supply reservoir is electrically connected in series with the
28 electric pump so that when the level of water in the auxiliary water
29 supply reservoir falls below a predetermined value, the switching means
30 cuts off electrical power to the electric pump to prevent water being

1 pumped from the auxiliary water supply reservoir to the water
2 accumulator.

3 U.S. Patent No. 4,947,739 to Owen teaches a home carbonation
4 system for producing soft drinks. A high pressure CO2 vessel comprises
5 a regulator valve assembly which provides fail safe venting, a refill
6 capability, and a low pressure output. It may be interconnected via a
7 fill hose to a seltzer dispenser comprising a multifunction discharge
8 valve secured to a plastic bottle. A plurality of syrup bottles, each
9 filled with a different flavor of concentrate, enable the mixing of
10 desired soda flavors. A storage rack efficiently houses the pressure
11 vessel, the seltzer bottle, and the individual syrup containers. A
12 pressure vessel housing box includes an offset nest which conveniently
13 stores the fill tube. The seltzer bottle is reinforced by a two-piece,
14 vented, anti-fragmentation shroud equipped with inspection slots for
15 enabling proper mixing. The discharge valve is threadably coupled to
16 the bottle, and it includes a gas inlet orifice for receiving low
17 pressure gas from the regulator assembly. Charging gas admitted into
18 the discharge valve is conducted beneath the liquid level by an internal
19 siphon tube, and the vigorous bubbling which results invisible through
20 the inspection slots. The discharge valve, which need not be removed
21 from the bottle for subsequent dispensing of charged water, includes a
22 manually operated lever adapted to trigger its internal valve elements
23 for dispensing fluid from the seltzer bottle through an adjacent output
24 tube, which vigorously squirts charged water into the awaiting users'
25 glass.

26 In contradistinction, however, the present invention teaches a
27 water dispensing apparatus for providing an auxiliary supply of water to
28 a consumer when a city water source becomes unacceptable. Valve means
29 connect, alternatively, one of a city water supply line and an auxiliary
30 water supply line to a consumer water supply line. A water accumulator
31 is connected to the auxiliary water supply line to supply water thereto;

1 an auxiliary water supply reservoir is connected to the water
2 accumulator; an electric pump is connected between the auxiliary water
3 supply reservoir and the water accumulator for pumping water from the
4 auxiliary water supply to the water accumulator; and, means are provided
5 for sensing a water pressure output from the water accumulator and for
6 electrically connecting the electric pump to a power source in response
7 to the pressure detected falling below a predetermined value. When
8 water the city water supply line becomes unacceptable, the valve means
9 can be operated to disconnect the city water supply line from the
10 consumer water line and to connect the auxiliary water supply line to
11 the consumer water line so that water is supplied thereto from the water
12 accumulator and when the water pressure output from the water
13 accumulator falls below a predetermined value, the pressure switch
14 operates to connect the electric pump to a power source to pump water
15 from the auxiliary water supply reservoir to replenish the water
16 accumulator.

17 Preferably, a check valve is inserted in the auxiliary water
18 supply line downstream of the electric pump and upstream of the pressure
19 switch.

20 Switching means for detecting a level of water in the auxiliary
21 water supply reservoir is electrically connected in series with the
22 electric pump so that when the level of water in the auxiliary water
23 supply reservoir falls below a predetermined value, the switching means
24 cuts off electrical power to the electric pump to prevent water being
25 pumped from the auxiliary water supply reservoir to the water
26 accumulator.

27 U.S. Patent No. 5,901,880 to Clarke teaches the bottled water
28 delivery system includes a pump which moves water from within a bottle
29 to a desired output location. The system is such that heavy water
30 bottles need not be moved and may be located at a significant
31 preselected distance from the output location. A controller is provided

1 to keep the pump from being actuated when there is no water available
2 for pumping. The system is easily installed, inexpensive due to its
3 simplicity, and requires a minimal input of power for operation.

4 In contradistinction, however, the present invention teaches a
5 water dispensing apparatus for providing an auxiliary supply of water to
6 a consumer when a city water source becomes unacceptable. Valve means
7 connect, alternatively, one of a city water supply line and an auxiliary
8 water supply line to a consumer water supply line. A water accumulator
9 is connected to the auxiliary water supply line to supply water thereto;
10 an auxiliary water supply reservoir is connected to the water
11 accumulator; an electric pump is connected between the auxiliary water
12 supply reservoir and the water accumulator for pumping water from the
13 auxiliary water supply to the water accumulator; and, means are provided
14 for sensing a water pressure output from the water accumulator and for
15 electrically connecting the electric pump to a power source in response
16 to the pressure detected falling below a predetermined value. When
17 water the city water supply line becomes unacceptable, the valve means
18 can be operated to disconnect the city water supply line from the
19 consumer water line and to connect the auxiliary water supply line to
20 the consumer water line so that water is supplied thereto from the water
21 accumulator and when the water pressure output from the water
22 accumulator falls below a predetermined value, the pressure switch
23 operates to connect the electric pump to a power source to pump water
24 from the auxiliary water supply reservoir to replenish the water
25 accumulator.

26 Preferably, a check valve is inserted in the auxiliary water
27 supply line downstream of the electric pump and upstream of the pressure
28 switch.

29 Switching means for detecting a level of water in the auxiliary
30 water supply reservoir is electrically connected in series with the
31 electric pump so that when the level of water in the auxiliary water

1 supply reservoir falls below a predetermined value, the switching means
2 cuts off electrical power to the electric pump to prevent water being
3 pumped from the auxiliary water supply reservoir to the water
4 accumulator.

5 U.S. Patent No. 5,979,713 to Grill teaches herein disclosed is an
6 improved tap assembly including a tap, a delivery tube, and a rotatable
7 cam for selectively compressing or not compressing a resilient flow
8 control portion of the delivery tube in order to block or allow fluid
9 flow therethrough. Also included is a decompression device for
10 positively ensuring unrestricted flow through the resilient flow control
11 portion when the cam is rotated to its opened position. The dispensed
12 fluid may be pressurized by premixing with another fluid supplied by a
13 manifold. The manifold is adapted to be connected to multiple
14 pressurized sources of the another fluid. A diffuser is provided
15 upstream of the flow control portion in order to effectively condition
16 the dispensed fluid desired characteristics such as reduced velocity,
17 laminar flow, and appearance. The tap and manifold have matable
18 piloting members for easily guiding these components together in correct
19 relation for a snap assembly. The tap assembly may dispense, for
20 example, pressurized liquid beverages such as beer, wine, soft drinks,
21 and the like. The subject invention may also be used to dispense non-
22 pressurized liquids such as intravenously-fed medicine, food or
23 nutrients, and the like.

24 In contradistinction, however, the present invention teaches a
25 water dispensing apparatus for providing an auxiliary supply of water to
26 a consumer when a city water source becomes unacceptable. Valve means
27 connect, alternatively, one of a city water supply line and an auxiliary
28 water supply line to a consumer water supply line. A water accumulator
29 is connected to the auxiliary water supply line to supply water thereto;
30 an auxiliary water supply reservoir is connected to the water
31 accumulator; an electric pump is connected between the auxiliary water

1 supply reservoir and the water accumulator for pumping water from the
2 auxiliary water supply to the water accumulator; and, means are provided
3 for sensing a water pressure output from the water accumulator and for
4 electrically connecting the electric pump to a power source in response
5 to the pressure detected falling below a predetermined value. When
6 water the city water supply line becomes unacceptable, the valve means
7 can be operated to disconnect the city water supply line from the
8 consumer water line and to connect the auxiliary water supply line to
9 the consumer water line so that water is supplied thereto from the water
10 accumulator and when the water pressure output from the water
11 accumulator falls below a predetermined value, the pressure switch
12 operates to connect the electric pump to a power source to pump water
13 from the auxiliary water supply reservoir to replenish the water
14 accumulator.

15 Preferably, a check valve is inserted in the auxiliary water
16 supply line downstream of the electric pump and upstream of the pressure
17 switch.

18 Switching means for detecting a level of water in the auxiliary
19 water supply reservoir is electrically connected in series with the
20 electric pump so that when the level of water in the auxiliary water
21 supply reservoir falls below a predetermined value, the switching means
22 cuts off electrical power to the electric pump to prevent water being
23 pumped from the auxiliary water supply reservoir to the water
24 accumulator.

25 U.S. Patent No. 6,453,955 B1 to Lee teaches a liquid dispensing
26 system is disclosed in which a reservoir assembly is provided for
27 receiving a liquid flow from a liquid supply. A liquid level sensor is
28 provided for initiating the liquid flow until a predetermined liquid
29 level is established in the reservoir assembly. A liquid flow sensor
30 indicates a flow condition from the liquid supply to the reservoir
31 assembly. A dispensing member such as a faucet is provided for

1 dispensing liquid from the reservoir. The reservoir assembly of the
2 present liquid dispensing system includes an overflow protector assembly
3 for preventing an overflow condition of liquid from the reservoir
4 assembly.

5 In contradistinction, however, the present invention teaches a
6 water dispensing apparatus for providing an auxiliary supply of water to
7 a consumer when a city water source becomes unacceptable. Valve means
8 connect, alternatively, one of a city water supply line and an auxiliary
9 water supply line to a consumer water supply line. A water accumulator
10 is connected to the auxiliary water supply line to supply water thereto;
11 an auxiliary water supply reservoir is connected to the water
12 accumulator; an electric pump is connected between the auxiliary water
13 supply reservoir and the water accumulator for pumping water from the
14 auxiliary water supply to the water accumulator; and, means are provided
15 for sensing a water pressure output from the water accumulator and for
16 electrically connecting the electric pump to a power source in response
17 to the pressure detected falling below a predetermined value. When
18 water the city water supply line becomes unacceptable, the valve means
19 can be operated to disconnect the city water supply line from the
20 consumer water line and to connect the auxiliary water supply line to
21 the consumer water line so that water is supplied thereto from the water
22 accumulator and when the water pressure output from the water
23 accumulator falls below a predetermined value, the pressure switch
24 operates to connect the electric pump to a power source to pump water
25 from the auxiliary water supply reservoir to replenish the water
26 accumulator.

27 Preferably, a check valve is inserted in the auxiliary water
28 supply line downstream of the electric pump and upstream of the pressure
29 switch.

30 Switching means for detecting a level of water in the auxiliary
31 water supply reservoir is electrically connected in series with the

1 electric pump so that when the level of water in the auxiliary water
2 supply reservoir falls below a predetermined value, the switching means
3 cuts off electrical power to the electric pump to prevent water being
4 pumped from the auxiliary water supply reservoir to the water
5 accumulator.

6 Pursuant to 37 CFR Sec. 1.111(c), the present invention defines
7 the following advantageous distinctive feature, inter alia that
8 distinguishes over, and avoids, the prior art:

9 "A water dispensing apparatus for
10 providing an auxiliary supply of
11 water to a consumer when a city
12 water source becomes unacceptable
13 comprising: valve means for
14 connecting, alternatively, one of a
15 city water supply line and an
16 auxiliary water supply line to a
17 consumer water supply line; a water
18 accumulator connected to the
19 auxiliary water supply line to
20 supply water thereto; an auxiliary
21 water supply reservoir connected to
22 the water accumulator; an electric
23 pump connected between the auxiliary
24 water supply reservoir and the water
25 accumulator for pumping water from
26 the auxiliary water supply to the
27 water accumulator; and means for
28 sensing a water pressure output from
29 the water accumulator and for
30 electrically connecting the electric
31 pump to a power source in response
32 to the pressure detected falling
33 below a predetermined value;
34 whereby, when water in the city
35 water supply line becomes
36 unacceptable, the valve means can be
37 operated to disconnect the city
38 water supply line from the consumer
39 water supply line and to connect the
40 auxiliary water supply line to the
41 consumer water supply line so that
42 water is supplied thereto from the

1 water accumulator and when the water
2 pressure output from the water
3 accumulator falls below a
4 predetermined value, the pressure
5 switch operates to connect the
6 electric pump to a power source to
7 pump water from the auxiliary water
8 supply reservoir to replenish the
9 water accumulator."

10 In evaluating the prior art one must bear in mind, inter alia, that the
11 prior art must accomplish applicant's results, which was succulently
12 expressed in the Board of Appeals decision in Ex parte Tanaka, Marushima
13 and Takahashi, 174 USPQ at 38, where the Board held:

14 "Claims can not be
15 rejected on the ground
16 that it would be obvious
17 to one of ordinary skill
18 in the art to rewire
19 prior art devices if it
20 does not accomplish
21 applicant's result."
22 [Emphasis added]

23 And in In re Wright, 122 USPQ 522 (1959), where the Court held:

24 "...the mere aggregation
25 of old elements that did
26 not perform a different
27 function is not a
28 patentable invention,
29 but that a novel
30 combination of old
31 elements which cooperate
32 with each other to
33 produce a new or useful
34 result or a substantial
35 increase in efficiency
36 is patentable." [Emphasis
37 added]

38 And further in the en banc decision in In re Dillon, 919 F.2d 688,
39 692 (Fed. Cir. 1990), where the Court held:

1 "....a prima facie case
2 of obviousness requires
3 that the prior art
4 suggest the claimed
5 compositions' properties
6 and the problem the
7 applicant attempts to
8 solve." [Emphasis added]

9 Further support for considering the results accomplished by the
10 present invention discussed, supra, in determining patentability can be
11 found in the decision in In re Echerd, 176 USPQ 321 (CCPA 1973), where the
12 Court held:

13 "there is nothing
14 inherently wrong in
15 defining something by
16 w h a t i t
17 does..." [Emphasis added]

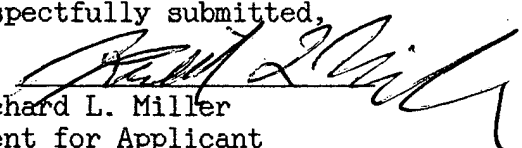
18 In this same regard, the Examiner's attention is directed to the
19 decisions in In re Halleck, 164 USPQ 647 (CCPA 1970); and Kockum
20 Industries, Inc. v. Salem Equipment, Inc., 175 USPQ 81 (9th Cir. 1972).

21 Petitioner has provided clear and convincing evidence arguendo that
22 the prior art does not accomplish applicant's result of providing an
23 efficient water dispensing apparatus switches from a city water supply
24 line to an auxiliary water reservoir when the city water supply line
25 becomes unacceptable. A valve connects, alternatively, city water and
26 auxiliary water supply lines to a consumer water supply line. Auxiliary
27 water is supplied from a water accumulator to the auxiliary water supply
28 line and replenished by pumping from the auxiliary water reservoir in
29 response to detection by a pressure switch of low accumulator pressure.
30 A check valve is inserted in the auxiliary water supply line downstream of
31 an electric pump and upstream of the pressure switch. A low water level
32 detector operates a switch to cut off power to the pump when the level of
33 water in the auxiliary water supply reservoir falls below a predetermined
34 value.

1 It is believed that the above disclosed PETITION TO MAKE SPECIAL is
2 in compliance with all sections of MPEP 708.02(VIII) and it is accordingly
3 respectfully requested that the above-identified application be made
4 special and that it be acted upon before all non-special cases.

5
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9
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Respectfully submitted,

BY: 
Richard L. Miller
Agent for Applicant
Date: March 2, 2004